

DATA RETENTION POLICY

Last reviewed:	August 2021
Next review due:	August 2022
Reviewed by:	Data Compliance Administrator Bursar

1. Introduction

This Data Retention Policy sets out the rules and procedures around the retention of personal data at d'Overbroeck's and determines how long staff should be keeping certain categories of personal data.

School staff should read this policy in conjunction with the school's Data Protection Policy (staff and recruitment).

This policy applies to all d'Overbroeck's employees who have access to personal data. Any breach of this policy may result in disciplinary action. It does not form part of any employee's contract of employment and may be amended at any time.

2. Aim of this policy

The Data Protection Act 2018 requires that personal data shall be kept in a form that permits identification of individuals for no longer than is necessary. Therefore, the key aim of this policy is to set out the school's rules governing for how long specific types of personal data should be kept.

The Data Protection Act requires that personal data must be processed in a manner that ensures appropriate security of personal data, using appropriate technical or organisational measures. Therefore, another aim of this policy is to guide staff about appropriate measures around retaining and destroying hard copy documents securely.

3. Retention periods

3.1 Staff must make sure that personal data is retained for the period of time indicated in the Retention Schedule below. If in doubt, keep for at least 6 years, to cover the time limit for bringing any civil liability action.

3.2 If staff receive notice of any legal proceedings or legal action (or potential legal action), government or regulatory investigation or complaints or claim against or involving d'Overbroeck's (for example, a complaint made by a parent or a grievance raised by an employee), they should flag and retain all data which may be relevant to that issue.

Do not destroy that data. If you are ever unsure about which data you should be retaining and which data you should be destroying in accordance with the Retention Schedule, please speak to the school's Data Compliance Administrator (Tracy Roslyn).

As a general rule, once the claim has concluded (eg, a judgment has been given by the court or the claim has settled), then information about the claim should be kept for a further 6 years before being destroyed.

4. Deleting data that is out of date

The Data Protection Act requires that personal data shall be accurate and, where necessary, kept up to date. When staff have information which is known to be out of date they should delete that data securely in accordance with this policy.

5. Hard (or physical) copies

When destroying paper documents containing personal data, please make sure they are either shredded at school or placed in a secure, confidential document shredding bag.

6. Hard drives

Once obsolete, computer hard drives and portable media previously used by staff or any third party suppliers should be handed to the IT Team to be properly wiped or destroyed.

RETENTION SCHEDULE

Staff and HR records	Retention period	Reference to Statute and/or Guidance
Applications for jobs – unsuccessful	6 months for UK candidates; 1 year for international candidates requiring sponsorship	The Information Commissioner’s Employment Practices Code Part 1
Single Central Record of employees	Until employment ceases (basic list of former staff archived to show employment dates and as evidence that mandatory checks were carried out)	Limitation Act 1980 section 5
Staff personal records <ul style="list-style-type: none"> • offer letter • contract • DBS data and other checks & risk assessments • changes to terms and conditions • promotions • PDR records • grievance procedures • resignation/termination letters • current bank details 	6 years after employment ceases Delete current bank details 3 months after employment ceases, if it is practicable to separate the details from the main employment records.	Limitation Act 1980 section 5
Medical and sickness records	6 years after employment ceases	Limitation Act 1980 section 5
Training records, including First Aid and Fire Marshal	6 years after employment ceases	Limitation Act 1980 section 5 H&S Regulations Fire Precautions Regulations
Working time opt-out agreement	6 years after employment ceases	Working Time Regulations 1998
Maternity and paternity leave records	3 years after the financial year in which they occur	Maternity & Parental Leave Regulations 1999
Annual leave records, including jury service, compassionate leave	2 years after the financial year in which they occur	Working Time Regulations 1998

Records to show compliance with Working Time Regulations 1998 as required by regulation 9	2 years from the date the records were made	Working Time Regulations 1998
Work permits	2 years after employment ceases	Immigration, Asylum and Nationality Act 2006
Written warnings and records resulting from warnings	1 year after the expiry of the sanction, unless the school feels it is appropriate to keep longer, in which case keep for 6 years with other staff records, and the member of staff must be informed.	ACAS Code of Practice
Staff electronic personal storage file and mail box	Archived immediately after employment ceases and deleted after 14 months	

Salary and Pension records	Retention period	Reference to Statute and/or Guidance
Salary records (including PAYE, overtime details, maternity/paternity, income tax, NI returns)	6 years from the financial year end in which payments made	Finance Act 1998 Regulation 97, Income Tax Regulations 2003
Payrolls	6 years from the financial year end in which payment made	Finance Act 1998 Regulation 97, Income Tax Regulations 2003
Salary registers	6 years from the financial year end in which payment made	
Salary revision schedules	6 years from the financial year end in which payment made	
Records of hours worked	3 years after the hours are reflected in pay	
Pension records (record of the pensionable service and the pension provider)	Permanently	Limitation Act 1980 section 5
Pension scheme investment policies	12 years after final cessation of any benefit payable under the policy	
Information on benefits per employee	6 years from the end of the financial year in which they were collected	
Death benefit nomination and revocation forms	6 years after payment of benefit	

Pupil records	Retention period	Reference to Statute and/or Guidance
SEND records: <ul style="list-style-type: none"> • Special Educational Needs files and reviews • Individual Education Plans • advice and information to parents regarding Educational Needs. 	Pupil DOB + 35 years	Part 3 of Children and Families Act 2014
<ul style="list-style-type: none"> • Statement maintained under the Education Act 1996 – Section 324 	Pupil DOB + 30 years	Education Act 1996 – Section 324
Any education records including: <ul style="list-style-type: none"> • Application records • progress reports • medical records of pupils with medical conditions and details for the administration of medicines • internal exam results • record of academic achievement • letters and communication between school and parent • behaviour records • attendance records • exclusion records and copies of letters 	Paper and electronic copies to be held until pupil DOB + 25 years UNLESS the pupil transfers to another school, when electronic records should be transferred and hard copies destroyed.	Regulations 3, 9 and 32 of the ISSR 2014 Regulations 4, 6 and 14 of the Education (Pupil Registration) (England) Regulations 2006
Accessibility strategy	Pupil DOB + 25 Years	
Accidents and injuries	Pupil DOB + 25 years	RIDDOR Limitations Act 1980 section 11
Video recordings of 1-2-1 sessions between teachers and students	6 years from the end of the academic year in which they took place.	
Videos of class recordings featuring students (ie, online lessons)	Until the end of the academic year in which the last student from the cohort leaves the school.	
Recording of Drama students' performance work for exams (kept as a teaching aid)	3 years or when no longer relevant to the Drama syllabus, whichever is shorter	

Videos of class recordings not featuring students (ie, teacher of screen focused lessons, tutorial or training videos)	Indefinitely at the discretion of the teacher in question and at the discretion of the Head of Section.	
Correspondence relating to authorised absence and issues	Date of absence + 3 years	
Parental permission slips for trip: <ul style="list-style-type: none"> Where there has been no major incident 	Until conclusion of the trip	
Parental permission slips for trip: <ul style="list-style-type: none"> Where there has been a major incident 	DOB of the pupil involved + 25 years. Permission slips for all pupils on the trip retained to show all rules have been followed for all pupils.	
Contact details of parents	Pupil DOB + 25 years Parents must give permission if the school wishes to send marketing material after the pupil leaves the school	
Other personal information about parents, eg, parent contract	6 months after the pupil leaves the school	
Financial information about parents, eg, credit control, bursary applications	6 months after the pupil leaves the school unless there is a legitimate reason to keep longer	
Parents' bank account details, eg for refunds	24 hours after transaction is complete	
Pupil's electronic personal storage file and mail box	Archived after leaving the school and deleted in December during annual purge	
Alumni files (name, email address and home address only)	For the life of alumnus or until alumnus requests removal from the list	

Child protection	Retention period	Reference to Statute and/or Guidance
Safeguarding policies	Keep a permanent record of historic changes to the policy	
Child protection file containing cover sheet, chronology, cause for concern forms, body maps	Pupil DOB + 25 years (use discretion and keep for longer if deemed necessary)	Paragraph 7(b) of the Schedule to the ISSR 2014 KCSIE
Allegations of a child protection nature against a member of staff, including when the allegation is unfounded.	Until staff member's normal retirement age or 10 years from the date of the allegation, whichever is longer	Employment Practices Code: Supplementary Guidance 2.13.1. (Records of Disciplinary and Grievance) Education Act 2002 guidance 'dealing with Allegations of Abuse against Teachers and Other Staff' Nov 2005
Whistleblowing documents	6 months following substantiated investigation. If unsubstantiated, delete immediately.	Public Interest Disclosure Act 1998

Examinations (public)	Retention period	Reference to Statute and/or Guidance
External examination certificates	Paper and electronic copies to be held until pupil DOB + 30 years UNLESS the pupil transfers to another school, when electronic records should be transferred and hard copies destroyed.	
Exam timetable and statement of results	7 years maximum	
Exam papers relating to appeals	Keep until any appeal/validation process is complete	

Admissions	Retention period	Reference to Statute and/or Guidance
Admission registers	Date of last entry in the register + 6 years	
Admission enquiry (non joiner)	Date of admission (entry) + 3 years	

Sponsorship licence and related permissions	For the duration that the school has a UKVI sponsor licence	
Copies of admission information for students sponsored under UKVI Student Visa regulations	If the Migrant is sponsored for 1 year or longer the documents must be kept for 1 year or until a Compliance Officer has examined and approved them, whichever is the longer period	
Reports and correspondence with the Home Office made in relation to a current pupil	To the end of the sponsorship + 2 years	

Marketing and communication	Retention period	Reference to Statute and/or Guidance
Circulars and newsletters to staff, parents and pupils	Until oldest pupils mentioned within the publication reach the age of 25	
External speaker data	18 months following the date of speaking engagement at the school event	
Requests for a school prospectus from the website	18 months	
Virtual events, eg Open Days, parents evenings, concerts, shows	18 months	
Website data	18 months following date of last contact	

Property and site security	Retention period	Reference to Statute and/or Guidance
Deeds of title	Permanently or until delivered to a purchaser on disposal	
Leases	12 years after lease has terminated and all terminal queries (eg, dilapidations) settled	
Agreements with architects, builders, etc.	6 years after completion of the contract	
CCTV recordings from surveillance cameras	14 days <i>On occasion, it may be retained for a longer period, where a law enforcement body is investigating a crime and asks for it to be preserved, to give them</i>	ICO CCTV code of practice

	<i>opportunity to view it as part of an active investigation.</i>	
Visitor and/or contractor signing-in books	On site for 1 year and an additional 2 years in safe and secure storage	

Health and safety	Retention period	Reference to Statute and/or Guidance
Maintenance logs (eg, fire alarms, lift servicing)	10 years from date of last entry	
Records of risk assessments, tests, examinations and protective equipment under COSHH	7 years from the date the tests were carried out	COSHH 1992, 2002
Records relating to staff accidents and injuries at work	4 years from the date the report was made	RIDDOR Limitations Act 1980 section 11

Transport records	Retention period	Reference to Statute and/or Guidance
Vehicle maintenance records (eg, daily checks, 10-week checks, repairs, services, sales records)	2 years after vehicle disposed of	
MOT test records	2 years after vehicle disposed of	
Registration records	2 years after vehicle disposed of	

Accounting records	Retention period	Reference to Statute and/or Guidance
Taxation returns and records	Permanently	Finance Act 1998 Regulation 97, Income Tax Regulations 2003
Reports and Accounts	Signed copy permanently	Regulation 97, Income Tax Regulations 2003
Expenses accounts	6 years from the financial year end in which payment made	Companies Acts 1985, 1989, 2006, section 221
Periodic internal financial reports, eg, to Board	File copies for 6 years	Companies Acts 1985, 1989, 2006, section 221

Banking records, including GIRO	Retention period	Reference to Statute and/or Guidance
Bank statements	6 years	
Cheques, bills of exchange and other negotiable instruments	6 years	
Instructions to banks	6 years	

Insurance	Retention period	Reference to Statute and/or Guidance
Employer's liability policies	Permanently	
Product liability policies	Permanently	
Public liability policies	Permanently	
Group health policies	12 years after final cessation of benefit	
Group personal accident policies	12 years after final cessation of benefit	
Insurance schedules	10 years	
Claims correspondence	7 years after settlement	
Accident reports and related correspondence	3 years after settlement	
Other policies	3 years after lapse	

Trusts, stocks and shares	Retention period	Reference to Statute and/or Guidance
Trust deeds and rules	Permanently	
Fund annual accounts and Inland Revenue approvals	Permanently	
Investment records	Permanently	
Actuarial valuation records	Permanently	
Contribution records	Permanently	
Register of members	Permanently	
Forms of application for shares, debentures etc	Permanently	
Forms of acceptance and transfer	Permanently	

Share and stock transfer forms	Permanently	
Signed forms of nomination	Permanently	
Letters of indemnity for lost certificates	Permanently	

Agreements and contracts	Retention period	Reference to Statute and/or Guidance
Major agreements of historical significance	Permanently	
Contracts with agents	6 years after expiry	
Contracts with customers (eg, lettings)	6 years after expiry	
Contracts with suppliers	6 years after expiry	
Licensing agreements, permits and certificates	6 years after expiry	
Rental and hire purchase agreements	6 years after expiry	
Indemnities and guarantees	6 years after expiry	
Other agreements/contracts	6 years after expiry	

Returns made to government and regulatory bodies	Retention period	Reference to Statute and/or Guidance
Annual school census (ISC and DfE)	Current year + 6 years	
Annual external exam results (ISC and ISI)	Current year + 6 years	
Basic Compliance Assessment (UKVI)	Duration of licence	

Minutes and ownership records	Retention period	Reference to Statute and/or Guidance
Meeting minutes from: <ul style="list-style-type: none"> • d'Overbroeck's Board • Staff Forum 	Permanently	
Registration documents of school	Permanently	
Trustees' minute book	Permanently	
Patent and trade mark records	Permanently	

Powers of Attorney	Copy retained permanently	
Annual curriculum	3 years from end of year	
Notification of change of address	2 years	

Complaints and litigation	Retention period	Reference to Statute and/or Guidance
Any information relating to a complaint (whether real or potential) made by a pupil, parent and/or guardian or member of public.	2 years following settlement of complaint <i>Where the complaint falls into the category of Child Protection, please refer to that section above.</i>	Regulation 33 of the ISSR 2014
Records relating to pending threatened or reasonably anticipated litigation, government investigation, or other claim.	All records should be kept during the period in which the litigation, investigation complaint or claim is contemplated, pending or threatened and until final disposition of the matter (ie, after a court judgment or final settlement) and then for a further 6 years	Limitation Act 1980 sections 2 and 5
Subject access request	1 year following completion of the request	Data Protection Act 2018

Host Families	Retention period	Reference to Statute and/or Guidance
Contact details (name, address, email, telephone number)	Until the family ceases to be a host family	
Bank details (included on application form)	Until the family ceases to be a host family	
ID check and DBS check	Until the family ceases to be a host family	
Training records (eg, safeguarding)	Until the family ceases to be a host family	

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Sources:

Guidelines for Independent Schools on the Storage and Retention of Records and Documents (ISBA, May 2019)

Retention of HR records (CIPD, July 2020)

Records Retention and Data Deletion Policy (Nord Anglia Education, April 2018)